IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 167 OF 2004

Pralhad Dagaji Patil and Ors. ..Petitioners

Versus

The Satana Agricultural Produce
Market Committee, Satana and anr. ... Respondents.

Mr. P.N. Joshi for the petitioners.
Mr.Anilkumar Patil with Mr. R.N. Gite for respondent No.1.
Mr. S.R. Nargolkar, Assistant Government Pleader, for respondent No.2.

CORAM: **DALVEER BHANDARI, C.J.** &
S.J. VAZIFDAR, J.

DATE: **AUGUST 31, 2005**.

P.C.

The petitioners have filed this petition in which a prayer has been made to restrain respondent No.1, Agricultural Produce Market Committee, Satana, from purchasing the land at Satana. The petitioners have further prayed that respondent No.1 be restrained from taking any steps on the basis of the advertisement dated 2nd August, 2004.

2. The petitioners are aggrieved by the decision which has been taken at the Annual General Meeting of the first respondent dated

18th March, 2004 to purchase additional place for a separate Onion Market.

3. The Agricultural Produce Market Committee – a Public Undertaking – cannot be restrained from purchasing additional land unless it is prohibited from doing so because of the specific provisions of the Act. No *mala fides* whatsoever have been levelled against the Committee.

4. According to the respondents, the petitioners have alternate remedy by filing an appeal against the impugned decision and in this view of the matter, the petitioners justifiably cannot invoke the jurisdiction of this Court under Article 226 of the Constitution and consequently this petition deserves to be dismissed and we order accordingly.

5. We have heard the learned counsel for the parties. We find no merit in this PIL. This PIL, being devoid of any merit, is accordingly dismissed.

CHIEF JUSTICE

S.J. VAZIFDAR, J.